

1 UNITED STATES DISTRICT COURT  
2  
3

4 NORTHERN DISTRICT OF CALIFORNIA  
5  
6

7 STEVEN MENGEL, et al  
8  
9

Plaintiffs,

v.

CITY OF SAN LEANDRO et al  
10  
11

Defendants.  
12  
13

Case No. 3:13-cv-02542-WHO  
14  
15

**STIPULATION EXTENDING DATE FOR CMC  
AND CHANGING HEARING DATE ON  
MOTION TO DISMISS AND BRIEFING  
SCHEDULE**

**Honorable William H. Orrick**

16 Plaintiffs filed their Complaint on June 18, 2013 contending they were arrested without probable  
cause. The defendant City of San Leandro filed a Motion to Dismiss on July 23, 2013 with a hearing  
date of September 4, 2013. The Court then scheduled the initial Case Management Conference for  
September 4, 2013 with a joint case management conference statement to be filed August 28, 2013.  
17  
18

The parties have immediately begun meeting and conferring on the issues raised in the Complaint  
and may attempt an early resolution of the case given the cooperative exchange of case authority and  
facts of the case that has already taken place. Attorney for the defendant City of San Leandro will be out  
of the country with his family from August 16, 2013 until Monday September 2, 2013. To facilitate the  
ongoing negotiations between the parties, as well as to comply with the current deadlines, more time is  
necessary. The parties agree a continuance of the current briefing schedule, hearing date on the motion  
to dismiss and preparation of the joint case management conference statement and case management  
conference will facilitate a possible early resolution of the case and accommodate Mr. Fox's travel  
schedule. Based on this good cause the parties therefore respectfully stipulate as follows:  
20  
21  
22

The Case Management Conference and hearing on the Motion to Dismiss be continued from  
Wednesday September 4 to Wednesday October 16th, 2013.  
23  
24

A joint case management conference statement to be filed on or before Wednesday October 9,  
2013. At the case management conference on October 16, 2013 the date for Rule 26 disclosures of  
parties and witnesses will be scheduled by the Court along with all other pre-trial and trial dates and the  
ADR process the parties will attend.  
25  
26  
27  
28

1 Plaintiffs' opposition to the pending motion to dismiss, if necessary, will be filed on or before  
2 September 25, 2013. Reply brief, if necessary, will be filed October 2, 2013.  
3

4 SO STIPULATED:

5 Dated: August 6, 2013

Bruce W. Nickerson Attorney at Law

6

7 By: /s/ Bruce Nickerson  
8 Bruce W. Nickerson Esq.  
9 Attorneys for Plaintiffs

10 Dated: August 6, 2013

BERTRAND, FOX & ELLIOT

11

12 By: /s/ Gregory M. Fox  
13 Gregory M. Fox  
14 Attorneys for Defendant  
CITY OF SAN LEANDRO

15 ORDER

16 Good cause appearing the Stipulation of the parties is SO ORDERED.

17 The Case Management Conference and hearing on the Motion to Dismiss is continued from  
18 Wednesday September 4 to Wednesday October 16th, 2013.

19 A joint case management conference statement shall be filed on or before Wednesday October 9,  
20 2013. At the case management conference on October 16, 2013 the date for Rule 26 disclosures of  
21 parties and witnesses will be scheduled by the Court along with all other pre-trial and trial dates and the  
22 ADR process the parties will attend.

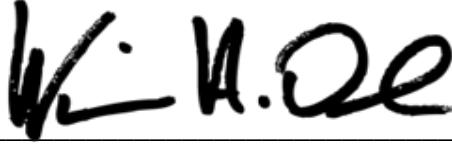
23 Plaintiffs' opposition to the pending motion to dismiss, if necessary, will be filed on or before  
24 September 25, 2013. Reply brief, if necessary, will be filed October 2, 2013.

25 Dated: August 9, 2013

26

27

28



Honorable William H. Orrick  
United States District Court Judge